UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,219	03/07/2001	William J. Hilliard	154025-0074	6786

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EXAMINER
CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _7-26-04_ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 7-

26-2004, which has been placed in the application file and considered by the Examiner.

Drawings

The drawings are approved by the Examiner.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fields et al (6,581,109) in view of Swen et al (5,806,081).

Regarding claim 1, Fields et al discloses that the claimed feature of a method for

providing images to a client computer over a computer network, comprising: receiving a

request ["request"] from the client computer [i.e. "client machine"] to an image server

["server"] for an image; determining the unavailability of client computer ["client"] image display characteristics [i.e. "calibration data/parameter"] to the image server["server"]; and selecting a set of default image display characteristics ["default web pages"] to adjust the requested image in accordance with the set of default characteristics for display on the client computer ["client"], the set of default image display characteristics being unrelated to the image display characteristics ["calibration data/parameter"] of the client computer ["client"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Fields et al does not specifically disclose "the set of default image display characteristics." However, such limitation is shown in the teaching of Swen et al. [i.e. "default profiles", "default CMM"] (See col 2 line 14-31, col 14 line 58-col 15 line 11) it would have been obvious to one skilled in the art to incorporate the teaching of Swen et al into the teaching of Fields et al, in order to properly represent the "default web pages" of Fields et al, thereby producing proper color between networks, as such improvement is also advantageously desirable in the teaching of Fields et al for adjusting image colors within the network for color reproduction accurately.

Regarding claim 2, Fields et al discloses that selecting the set of default image display characteristics comprises: selecting a set of default image display characteristics ["default web pages"] to adjust the image ["adjusting image color"] in

accordance with the set of default characteristics for display on the client computer ["client"[, the set of default image display characteristics being based on the average image display characteristics of a plurality of computer clients having known image display characteristics. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 3, Fields et al discloses that prior to selecting the set of default characteristics: determining one or more sets of default image display characteristics ["default web pages"] based on the average image display characteristics of the plurality of computer clients ["client"] having known image display characteristics ["default information"]. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 4, Fields et al discloses that determining one or more sets of default image display characteristics comprises: determining groups of the computer clients ["client"] having known image display characteristics ["default information"]; and calculating a set of default image display characteristics ["default web pages"]for each group of computer clients having known image display characteristics. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 5, Fields et al discloses that determining one or more sets of default image display characteristics comprises: calculating one set of default image display characteristics for substantially all computer clients having known image display characteristics ["default information"]. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 6, Fields et al discloses that determining one or more sets of

default image display characteristics comprises: determining a group of computer

clients having known image display characteristics ["default information"] that are

visually perceived as substantially uniform by a viewer; and calculating a set of default

image display characteristics for the group of computer clients. (See Abstract, Fig 3, col

2 line 14-42)

Regarding claim 7, Fields et al discloses that determining the group of computer

clients having known image display characteristics that are visually perceived as

substantially uniform by a viewer comprises: determining the group having the largest

number of computer clients ["client"] having known image display characteristics that

are visually perceived as substantially uniform by a viewer. (See Abstract, Fig 3, col 2

line 14-42)

Regarding claim 8, Fields et al discloses that determining the group having the

largest number of computer clients having known image display characteristics that are

visually perceived as substantially uniform by a viewer comprises: determining the

coordinates that are within a selected distance of the maximum number of coordinate

points in a multidimensional parameter space comprising the characteristics of the

plurality of computer clients having known image display characteristics, the selected

distance encompassing image display characteristics that are visually perceived as

substantially uniform by a viewer. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 9, Fields et al discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining the center of a multidimensional parameter space ["space"] comprising the characteristics of the plurality of computer clients having known image display characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claims 10-11, Fields et al discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining coordinates in a multidimensional parameter space comprising the characteristics ["profile data/parameter"] of the plurality of computer clients ["clients"] having known image display characteristics, the coordinates representative of a set of default image display characteristics ["default web pages"] that maximize/minimize the amount of image adjustment for all computer clients on the computer network ["network"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 12, Fields et al discloses that determining the one or more sets of default image display characteristics comprises: determining the one or more sets of default image display characteristics ["profile"] n response to each received image request ["request"]. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 13, Fields et al discloses that adjusting the requested image in

accordance with the selected one of the one or more sets of default characteristics

["default information"] determined in response to the received image request ["request"].

(See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 14, Fields et al discloses that prior to determining the one or

more sets of default image display characteristics in response to each received image

request: updating a database comprising the characteristics of the plurality of computer

clients ["client"[having known image display characteristics ["default information"] to

determine the one or more sets of default image display characteristics [i.e. "default web

pages"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 15, Fields et al discloses that adjusting the requested image

["adjusting image color"] in accordance with the selected one of the one or more sets of

default characteristics ["default information"] determined in response to the received

image request ["request"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6

line 55-col 7 line 27)

Regarding claim 16, Fields et al discloses that determining one or more sets of

default image display characteristics comprises: periodically determining one or more

sets of default image display characteristics ["default information"] based on the average

image display characteristics of the plurality of computer clients ["client"] having known

image display characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 6 line 55-col 7

line 27)

Regarding claim 17, Fields et al discloses that adjusting the requested image in

accordance with the selected one of the latest one or more sets of default

characteristics ["default information"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-

11, col 6 line 55-col 7 line 27)

Regarding claim 18, Fields et al discloses that prior to periodically determining

the one or more sets of default image display characteristics: updating a database

comprising the characteristics of the plurality of computer clients having known image

display characteristics to determine the one or more sets of default image display

characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7

line 27)

Regarding claim 19, Fields et al discloses that adjusting the requested image in

accordance with the selected one of the latest one or more sets of default

characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7

line 27)

Regarding claim 20, Fields et al discloses that selecting an image in response to

the request, the image being adjusted in accordance with the selected set of default

image display characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6

line 55-col 7 line 27)

Regarding claim 21, Fields et al discloses that selecting an image adjusted in

accordance with the selected set of default image display characteristics comprises:

selecting an image adjusted in accordance with the selected set of default image

display characteristics from a plurality of adjusted images. (See Abstract, Fig 3, col 2

line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 22, Fields et al discloses that selecting the set of default image

display characteristics comprises: selecting the set of default image display

characteristics based on the average image display characteristics of a plurality of

computer clients having known image display characteristics including one or more of

input/output characteristics, color rendering capabilities, and spatial rendering

properties. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line

27)

Regarding claim 23, Fields et al discloses that selecting the set of default image

display characteristics further comprises: selecting the set of default image display

characteristics based on characteristics of the requesting client computer ["client

machine"] including one or more of software characteristics and communication

characteristics. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7

line 27)

Regarding claim 24, Fields et al discloses that selecting the set of default image display characteristics further comprises: selecting the set of default image display characteristics based on characteristics of the requesting client computer including the relative age of a client computer display monitor [i.e. Mac number]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 25, Fields et al discloses that prompting a user of the client computer to provide information regarding the client computer ["client machine"]; and selecting the set of default image display characteristics ["default web page"] comprises: selecting the set of default image display characteristics based on information provided by the user. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 26, Fields et al discloses that prompting a user of the client computer to provide information regarding the client computer comprises: prompting a user of the client computer to provide information regarding the display monitor of the client computer including one or more of the display monitor type, display monitor age, and display monitor location [i.e. 'Mac number']. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 27, Fields et al discloses that providing the selected set of
default image display characteristics to the image server to adjust the requested image
in accordance with the set of default characteristics for display on a computer client
display monitor. (See Abstract, Fig 3, col 2 line 14-42)

Regarding claim 28, Fields et al discloses that providing the selected set of
default characteristics to the image server comprises: providing the selected set of
default characteristics ["default information"] and the requested image to the image
server to adjust [i.e. "color adjusting'] the requested image in accordance with the set of
default characteristics for display on a computer client display monitor ["display unit"].
(See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 29, Fields et al discloses that wherein receiving the request
comprises: receiving the request ["request"] at an image request server ["server"]; and
providing the selected set of default image display characteristics ["default web page"]
to the image server comprises: bouncing the client computer over the network to the
image server. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7
line 27)

Regarding claim 30, Fields et al discloses that wherein the computer network is
an Internet, an intranet, or a local area network. (See Fig 3)

Regarding claim 31, Fields et al discloses that determining the unavailability of

client computer image display characteristics to the image server comprises:

determining the unavailability of a client computer cookie ["cookie"] to the image request

server, the cookie related to the image display characteristics of the client computer.

(See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 32, Fields et al discloses that bouncing the client computer

comprises: distributing JavaScript or VBScript to the client computer ["client machine"]

to bounce the client computer over the network to the image server ["sever"]. (See

Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line 27)

Regarding claim 33, Fields et al discloses that bouncing the client computer

comprises: distributing HTML, XML, or other mark-up language commands [i.e. 'HTML']

to redirect the client computer ["client machine"] over the network to the image server

["server"]. (See Abstract, Fig 3, col 2 line 14-42, col 4 line 1-11, col 6 line 55-col 7 line

27)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Daniel J. Chung whose

telephone number is (571) 272-7657. He can normally be reached Monday-Thursday

and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

Any response to this action should be mailed to:

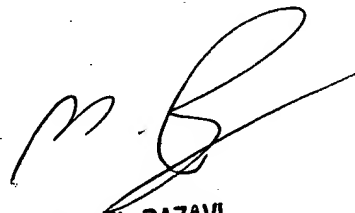Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central fax)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
August 9, 2005

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600